

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Curtis, Rory A.J.  
Application No.: 09/561,763                      Group No.: 1646  
Filed: April 28, 2000                      Examiner: Murphy, Joseph F.  
For: NOVEL POTASSIUM CHANNEL MOLECULES AND USES THEREFOR  
(TWIK-5)

Commissioner for Patents  
Washington, D.C. 20231

## STATEMENT OF BIOLOGICAL CULTURE DEPOSIT

I, Kerri Pollard Schray hereby state:  
Name of Applicant or Assignee's representative

1. That the following culture(s) referred to in the specification of this application have been deposited:

E. coli with plasmid EpubhX51164  
Strain

PTA-1640  
Accession number

\_\_\_\_\_  
Strain

\_\_\_\_\_  
Accession number

\_\_\_\_\_  
Strain

\_\_\_\_\_  
Accession number

## CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\*

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10\*

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Address"  
Mailing Label No.

## TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature



Date: 28 April 2003

Keya Hillman

(type or print name of person certifying)

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

2. That the date of the above deposit is:

- ☒ before the U.S. filing date of this application.
- ☐ after the U.S. filing date of this application and proof that the culture(s) identified above is(are) the same culture(s) described in the application as filed is attached.

3. That the name and address of the depository is:

American Type Culture Collection (ATCC)

Name of depository

10801 University Blvd Manassas, VA 20110

Address of depository

4. That a statement that the culture(s) deposited with the above named depository was (were) viable and was (were) capable of reproduction, if appropriate, on the date of deposit is attached. Such statement is executed by:

- a. ☒ the depository.
- b. ☐ the applicant.
- c. ☐ a competent third party.

5. That, with respect to the permanence of the culture(s) deposit:

- a. ☒ the depository is an official depository, in accordance with the Budapest Treaty for the above deposited culture(s).
- b. ☒ the depository affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longest.
- c. ☒ evidence that permanent availability of the microorganism is assured is provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited culture(s).

I affirm that should the microorganism(s) mutate, become nonviable or be inadvertently destroyed, applicants will replace such microorganism(s) for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, whichever period is longer.

6. That, with respect to availability of the culture(s), I affirm that the deposit has been made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted whereby all restrictions to the availability to the public of the culture so deposited will be irrevocably removed upon the granting of the patent (M.P.E.P. 608.01 (p)), and (b) access to the culture will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. section 1.14 and 35 U.S.C. section 122.

- ☒ Evidence of the accessibility of the culture(s) as set forth above is provided in the form of the attached copy of the contract with the above mentioned depository with respect to the deposited

cultures.

28 April 2003

MILLENNIUM PHARMACEUTICALS, INC.

By 

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Registration No. 47,066  
75 Sidney Street  
Cambridge, MA 02139  
Telephone - 617-551-3676  
Facsimile - 617-551-8820

- ☐ Inventor
- ☐ Assignee of complete interest
- ☒ Person authorized to sign on behalf of assignee

MP199-2SCP2

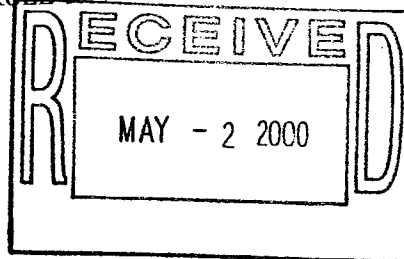
# ATCC

11801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2



To: (Name and Address of Depositor or Attorney)

Millennium Pharmaceuticals, Inc.  
Attn: Gail Mays  
75 Sidney Street  
Cambridge, MA 02139

Deposited on Behalf of: Millennium Pharmaceuticals, Inc.

Identification Reference by Depositor:

*Escherichia coli* with plasmid EpfbhX23553  
*Escherichia coli* with plasmid EpfbhX51164  
*Escherichia coli* with plasmid EpfbhX23222  
*Escherichia coli* with plasmid EpfbhX17867  
*Escherichia coli* with plasmid EpfbhX22012  
*Escherichia coli* with plasmid EpfbhX22025

Patent Deposit Designation

PTA-1639  
PTA-1640  
PTA-1641  
PTA-1642  
PTA-1643  
PTA-1644

The deposits were accompanied by:     a scientific description     a proposed taxonomic description indicated above. The deposits were received April 5, 2000 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:   X   We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

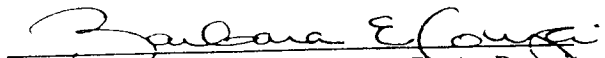
If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested April 12, 2000. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

  
Barbara E. Coupé, Administrator, Patent Depository

Date: April 27, 2000

cc: Ted Allen